REMARKS

Claims 1-5, 7-9, 15-19, 21, 23-25, 27-28, and 34-41 are pending. Claims 1, 7, 15, 21, 24-25, 34-35, and 39-40 are amended. Claim 41 is new. Support for the amendments can be found throughout the specification, for example, in at least paragraphs [0007], [0010], [0015], [0017], [0018], [0027], [0035], [0037], [0040] and Figures 5, 6, 9, and 11-14. Applicant submits that these amendments do not introduce any new matter. Upon entry of this Amendment and Response, Applicant respectfully requests reconsideration and withdrawal of all rejections and allowance of the claims.

Claim Objections

The Office Action objected to claim 21 because of the informality of depending on cancelled claim 20. Applicant submits that this informality has been addressed in amended claim 21, and therefore Applicant respectfully requests withdrawal of this objection.

Claim Rejections under 35 U.S.C. § 102

The Office Action rejected claims 1-5, 7-9, 15-19, 21, 23-25, 27-28, and 34-40 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,052,506 to Fukushima et al. (hereinafter "Fukushima"). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP §2131. Applicant respectfully submits that the amended claims overcome this rejection because Fukushima fails to set forth, either expressly or inherently, each and every limitation of amended claim 1, namely:

1. a presentation device including a first software program containing a first instruction sequence executable to generate a presentation signal based on the decrypted information,
2. receiving, by the presentation device, a second software program containing a second instruction sequence, and
3. installing, at the presentation device, the second software program operative to modify at least a portion of the first instruction sequence based on the second instruction sequence.

Amended independent claims 15, 24, 34, 39, and 40 contain similar claim limitations.

Overview of Arguments

Fukushima discloses "a control system for a combined digital video signal receiver and digital video recording/reproducing apparatus…to provide a unified and more convenient user interface for a video programming consumer." (Col. 3, lines 21-26). A user "enters into user interface 22, as by keyboard operation, a command to view [or record] a particular video signal." (Col. 8, lines 58-60; *see also* col. 9, line 14). "In response to a user's command to record a video signal, controller 21 issues tuner control signals…to tuner 11 to select the particular video signal [which is] supplied to digital store 23." (Col. 9, lines 14-18). "Controller 21 further issues a storage control signal to digital store 23 to record the video signal." (Col. 9, lines 18-19).

In contrast to Fukushima's receipt of commands manually entered by a user, Applicant's amended independent claim 1 is directed to two programs, i.e., a first and second program, on a presentation device. The second program is installed on the presentation device such that it modifies instructions contained in the first program for generating a presentation signal. The device executes the modified instructions to generate a presentation signal based on the decrypted information and store at least one of the decrypted information or a presentable representation of the decrypted information. The first and second programs are not transient instruction sequences manually provided via user input as presented in Fukushima, but rather are *software programs* containing instructions for generating and storing a presentation signal *installed* on the presentation device, as shown below.

I.   *Fukushima Does Not Teach Each and Every Element of Applicant's Claimed Invention*

Applicant respectfully submits that Fukushima fails to teach the invention as recited in the amended claims. In fact, Fukushima actually teaches *away* from a presentation device as recited by amended independent claims 1, 15, 24, 34, 39, and 40 because requiring user input is in stark contrast to the functionality of the first and second software outlined in points 1 and 2 above .

A.   *Fukushima Does Not Teach Receipt of a Software Program to Control a Presentation Device*

First, Fukushima does not describe receiving a software program containing an instruction sequence at a presentation device that is used in controlling the device. Instead,

Fukushima's system includes a user interface coupled to a controller, where "a <u>user</u> enters into [the user interface], such as by keyboard operation, a command." (Col. 6, lines 35-36)(emphasis added). In fact, the stated goals of Fukushima's invention include "[providing] a modular video receiving system which is <u>controlled by a user through a single user interface</u>," and "[providing] a simplified control system…in order to reduce the potential for <u>user error in configuring and controlling</u> the modules that comprise the receiving system." (Col. 2, lines 25-27). Fukushima does not teach *any* software programs used to control the system, instead relying solely on the user for input. Applicant's invention, however, includes a "first program" that is used to generate a presentation signal based on decrypted information. Therefore, Fukushima teaches away from Applicant's invention because Fukushima contemplates control of the system through manual input of commands by a user and not by receipt of a software program containing an instruction sequence.

B.   <u>Fukushima Does Not Teach Installation of a Software Program</u>

Fukushima also fails to describe installation of a software program operative to modify an instruction sequence, in contrast to Applicant's claimed invention as recited in point 3 above.

Fukushima's system merely receives input manually entered by a user, converts the input into command signals, and transmits the command signals to the controller. (*See, e.g.,* col. 6, lines 35-40). When subsequent input is received from the user, Fukushima's system again converts the input into command signals and transmits the signals to the controller. There is no indication that Fukushima <u>installs</u> a software program operative to <u>modify</u> an instruction sequence, as claimed by Applicant. In fact, there is no indication that Fukushima describes modification of any instruction sequences. Rather, Fukushima's system only responds to instruction sequences created from user input, and immediately processes those sequences without retaining them for future use. Therefore, Fukushima cannot teach modification of a pre-existing instruction sequence of a presentation device based on installation of a software program containing another instruction sequence.

Thus, Applicant respectfully submits that Fukushima fails to anticipate Applicant's amended claims 1, 15, 24, 34, 39, and 40. In addition, Applicant submits that claims 2-5, 7-9, 16-19, 21, 23, 25, 27, 28, and 35-38 depend from Applicant's amended claims 1, 15, 24, 34, 39,

and 40, and thus are not anticipated for at least the same reasons amended claims 1, 15, 24, 34, 39, and 40. Therefore, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 102(b) rejection.

CONCLUSION

Applicant's discussion of particular positions of the Office Action does not constitute a concession with respect to any positions that are not expressly contested by the Applicant. Applicant's emphasis of particular reasons why the claims are patentable does not imply that there are not other sufficient reasons why the claims are patentable, nor does Applicant concede that the claims were not patentable in their unamended form.

In view of the foregoing remarks and the inability of the prior art to anticipate the invention disclosed and claimed in this application, all the claims are submitted in a condition for allowance, and notice thereof is respectfully requested. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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